

EXHIBIT C

Email from E. Cramer to
G. Wotkyns et al.,
dated March 24, 2021

From: Eric L. Cramer
To: Garrett Wotkyns; Michael Dell"Angelo; Richard A. Koffman
Cc: David R. Scott; Christopher M. Burke; Joseph Saveri; Steven J. Toll; UFC Case; Daniel Silverman; Kay-Oliphant, Eli; Sparacino, Ryan; Kevin Rayhill (krayhill@saverilawfirm.com); Joshua P. Davis
Subject: RE: External: RE: Le et al v. Zuffa, LLC, 2:15-cv-01045-RFB-BNW
Date: Wednesday, March 24, 2021 1:39:18 PM
Attachments: [image003.png](#)

Garrett:

Here are some of the points we make in our brief:

1. The relief we seek is supported by, *inter alia*, *In re McKesson HBOC, Inc. Securities Litigation*, 126 F. Supp. 2d 1239 (N.D. Cal. 2000). In *McKesson*, two law firms that had unsuccessfully campaigned for appointment as lead counsel solicited absent class members to pursue a separate, non-class action through misleading mass mailers that failed to adequately explain the class action process and communicated a false sense of “urgency.” *Id.* at 1243-46. The court reiterated its “duty to ensure that all putative class members have a genuine choice whether or not ‘to intervene and present claims or defenses, or otherwise come into the action[,]’” and emphasized that “[t]here is no meaningful opportunity to choose when a concerted multimedia effort is made to secure opt-out authorizations before any class is certified.” *Id.* at 1243 (citing Fed. R. Civ. P. 23(d)(2)). In order “to prevent the mass opting out of a class that has not yet been certified,” the court ordered that curative notice be sent to all solicited class members providing that any individual who retained the non-party attorneys on the basis of the mass solicitation may void the retention agreement. *Id.* at 1246.
2. Your solicitations are unethically misleading in the same way as those in multiple prior cases, including *McKesson*. See *McKesson*, 126 F. Supp. at 1245 (attorney solicitations were misleading where they did not “identify the court-appointed lead plaintiff and counsel or the procedures safeguarding the appropriateness of class certification” and “communicate[d] a gratuitous air of urgency”); *Masonek v. Wells Fargo Bank*, No. SACV091048, 2009 WL 10672345, at *3-4 (C.D. Cal. Dec. 21, 2009) (enjoining communications with absent class members and ordering curative notice where statements misled class members “by failing to explain the class action process and how a class action could potentially provide investors with a recovery without investors taking any current action”).
3. Your Letter violates Rule 7.1 for the same reasons it violates Rule 4.1. Further, Rule 7.1 is particularly on point because the comment on Model Rule 7.1 specifies: “A truthful statement is also misleading if presented in a way that creates a substantial likelihood that a reasonable person would believe the lawyer’s communication requires that person to take further action when, in fact, no action is required.”
4. Your Letter also violates Nevada Rule of Professional Conduct 4.2 (and its New York, Washington, D.C., Texas, and Arizona equivalents), which prohibits attorneys from contacting persons known to be represented by counsel. First, as in *Flint*, you have sent your solicitation letters to some of our clients whose names appear on filed complaints on the case docket. Second, some courts hold that absent members are represented by appointed plaintiffs’

counsel pre-class certification. *Pollar v. Judson Steel Corp.*, No. C 82-6833 MPH, 1984 WL 161273 (N.D. Cal. Feb. 3, 1984); *see also Dondore v. NGK Metals Corp.*, 152 F. Supp. 2d 662, 666 (E.D. Pa. 2001) (“The truly representative nature of a class action suit affords its putative members certain rights and protections including, we believe, the protections contained in Rule 4.2 of the Rules of Professional Conduct.”) (internal quotation marks omitted). And, third, your conduct is particularly unethical given that the Court has indicated its intention to certify, and absent class members of a certified class are represented.

We are available tomorrow at 5 pm ET to speak. Our expectation is that while we are negotiating in good faith, you and your team are ceasing your opt-out solicitation campaign.

Thanks,

Eric Cramer

Eric L. Cramer / Chairman

215.875.3009 215.327.9583



1818 MARKET STREET, SUITE 3600
PHILADELPHIA, PA 19103

From: Garrett Wotkyns <gwotkyns@scott-scott.com>

Sent: Wednesday, March 24, 2021 12:17 PM

To: Michael Dell'Angelo <mdellangelo@bm.net>; Richard A. Koffman <rkokoffman@cohenmilstein.com>

Cc: David R. Scott <david.scott@scott-scott.com>; Christopher M. Burke <cburke@scott-scott.com>; Eric L. Cramer <ecramer@bm.net>; Joseph Saveri <jsaveri@saverilawfirm.com>; Steven J. Toll <SToll@cohenmilstein.com>; UFCCase@sparacinopllc.com; Daniel Silverman <dsilverman@cohenmilstein.com>; Eli Kay-Oliphant <eli.kay-oliphant@sparacinopllc.com>; Ryan Sparacino <ryan.sparacino@sparacinopllc.com>; Kevin Rayhill (krayhill@saverilawfirm.com) <krayhill@saverilawfirm.com>; Joshua P. Davis <davisj@usfca.edu>

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Michael, thanks for the note. You guys have raised serious issues, and we are taking them seriously. Given the complexity of the issues involved, can we do a call at 5 pm Eastern tomorrow rather than today? We are available at 5 pm Eastern tomorrow. If that time works for you, we'll circulate an invite. Also, can we take a look at your draft brief on these issues per yesterday's call? Thanks in any event.

Garrett Wotkyns

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From: Michael Dell'Angelo [<mailto:mdellangelo@bm.net>]

Sent: Tuesday, March 23, 2021 2:43 PM

To: Garrett Wotkyns <gwtkyns@scott-scott.com>; Richard A. Koffman <rkoffman@cohenmilstein.com>

Cc: David R. Scott <david.scott@scott-scott.com>; Christopher M. Burke <cburke@scott-scott.com>; Eric L. Cramer <ecramer@bm.net>; Joseph Saveri <jsaveri@saverilawfirm.com>; Steven J. Toll <SToll@cohenmilstein.com>; UFCCase@sparacinoplcc.com; Daniel Silverman <dsilverman@cohenmilstein.com>; Eli Kay-Oliphant <eli.kay-oliphant@sparacinoplcc.com>; Ryan Sparacino <ryan.sparacino@sparacinoplcc.com>; Kevin Rayhill (krayhill@saverilawfirm.com) <krayhill@saverilawfirm.com>; Joshua P. Davis <davisj@usfca.edu>

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Garrett/David/Chris/Ryan/Eli:

Further to our call today, we are available for a follow-up call tomorrow, Wednesday, March 23, between 3:00 pm ET and 6:00 pm ET. Please let us know your availability and we will circulate an invite.

Regards,

Michael

Michael Dell'Angelo / Managing Shareholder

[215.875.3080](tel:215.875.3080) [610.608.8766](tel:610.608.8766)



1818 MARKET STREET, SUITE 3600
PHILADELPHIA, PA 19103

From: Michael Dell'Angelo

Sent: Monday, March 22, 2021 8:39 PM

To: Garrett Wotkyns <gwtkyns@scott-scott.com>; Richard A. Koffman <rkoffman@cohenmilstein.com>

Cc: David R. Scott <david.scott@scott-scott.com>; Christopher M. Burke <cburke@scott-scott.com>; Eric L. Cramer <ecramer@bm.net>; Joseph Saveri <jsaveri@saverilawfirm.com>; Steven J. Toll <SToll@cohenmilstein.com>; UFCCase@sparacinoplcc.com; Daniel Silverman <dsilverman@cohenmilstein.com>; Eli Kay-Oliphant <eli.kay-oliphant@sparacinoplcc.com>; Ryan Sparacino <ryan.sparacino@sparacinoplcc.com>

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Thanks, Garrett. 5pm ET tomorrow works on our end. I will circulate an invite.

From: Garrett Wotkyns <gwothkyns@scott-scott.com>
Sent: Monday, March 22, 2021 6:23 PM
To: Richard A. Koffman <rkoffman@cohenmilstein.com>
Cc: David R. Scott <david.scott@scott-scott.com>; Christopher M. Burke <cburke@scott-scott.com>; Eric L. Cramer <ecramer@bm.net>; Joseph Saveri <jsaveri@saverilawfirm.com>; Steven J. Toll <SToll@cohenmilstein.com>; Michael Dell'Angelo <mdellangelo@bm.net>; UFCCase@sparacinoplcc.com; Daniel Silverman <dsilverman@cohenmilstein.com>; Eli Kay-Oliphant <eli.kay-oliphant@sparacinoplcc.com>; Ryan Sparacino <ryan.sparacino@sparacinoplcc.com>
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Thanks, Richard. Copying Eli and Ryan in here also. I can talk tonight or late morning or late afternoon pacific tomorrow.

Sent from my iPhone



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On Mar 22, 2021, at 3:07 PM, Richard A. Koffman <rkoffman@cohenmilstein.com> wrote:

Garrett,

Further to Michael's email below, I have attached copies of a draft proposed Order and corrective letter that lay out the relief we intend to seek if we are unable to reach an agreement, although I hope motion practice will not be necessary.

Best,
Rich Koffman

Richard A. Koffman

Partner
He/Him/His

<image001.jpg>

Cohen Milstein Sellers & Toll PLLC

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Powerful Advocates. Meaningful Results.

This e-mail was sent from Cohen Milstein Sellers & Toll PLLC. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible.

From: Michael Dell'Angelo <mdellangelo@bm.net>
Sent: Monday, March 22, 2021 5:57 PM
To: gwothkyns@scott-scott.com
Cc: david.scott@scott-scott.com; cburke@scott-scott.com; Eric Cramer <ecramer@bm.net>; Richard A. Koffman <RKoffman@cohenmilstein.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Steven J. Toll <SToll@cohenmilstein.com>
Subject: Le et al v. Zuffa, LLC, 2:15-cv-01045-RFB-BNW
Importance: High

Garrett:

Thanks for taking my call this afternoon. As discussed, we would like to set up a call among those on this email to discuss the *Le* case and mailer that your firm sent with Sparacino PLLC. Please let us know your availability for a call tonight or tomorrow. Thanks.

Regards,

Michael

Michael Dell'Angelo / Managing Shareholder

___ 215.875.3080 ___ 610.608.8766

___ _____

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<UFC - draft Proposed Order re Inappropriate Class Contact (3-22-2021).pdf>
<UFC - draft Court-Authorized Letter to Class Members (3-22-2021).pdf>